



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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FREQUENTLY ASKED QUESTIONS SAND MOUNTAIN RECREATION AREA VENDOR PROGRAM 2011-2012

- GENERAL
- SRP PERMIT APPLICATION
- VENDOR VEHICLE SHEET
- FEES
- INSURANCE
- OTHER REQUIRED PERMITS
- VENDING OPERATIONS
- PRODUCTS/SERVICES

GENERAL

1. ***What is my Filing Date?*** The date the Stillwater Field Office (SWFO) receives a *complete* Special Recreation Permit application package from an applicant.
2. ***What is the difference between a Vendor Permit and a Special Recreation Permit?*** The vendor permit is a type of Special Recreation Permit. They are commonly called vendor permits because it distinguishes the type of activity being authorized with the Special Recreation Permit (SRP).
3. ***If I fill out the forms and pay the fees, does BLM have to issue a Special Recreation Permit?*** No. The authorized officer has discretion to approve, modify, or reject any application.
4. ***What if I don't bother to get a vending permit?*** Consequences of operating without a required SRP or participating in a non-permitted event or activity that requires a SRP is a misdemeanor punishable by a fine of up to \$100,000 and 12 months incarceration.
5. ***Why does BLM not accept faxed or e-mailed applications?*** The BLM must have original signatures and dates on applications. Copies and e-mails are not considered as legal proof of a vendor's agreement. Fax or emails are acceptable if you need to update your existing SRP to include new information concerning your vending operation, for example new vehicles or

additional employees. It is the vendor's responsibility to ensure emails or faxes have been received.

6. ***What does the BLM take into consideration in regards to vending activities at the Sand Mountain Recreation Area?*** Vending activities at SMRA need to contribute to the visitor's needs and provide for an improved recreational experience. To be consistent with commercial activity goals, items sold or services provided should:
- Directly enhance the visitors' experience.
 - Not be detrimental to the health and safety of visitors or employees.
 - Not detract from resource sustainability.
 - Comply with BLM Manual requirements that vendor policies take into account the viability of privately owned businesses in the area.

Vending activities that are not directly related to recreational uses allowed in the SMRA will not be authorized.

SPECIAL RECREATION APPLICATION & PERMIT FORM

7. ***What number should I place in the "Permit No" box on the form's upper right hand corner?*** None. The number will be filled in by the BLM. Once this number is assigned please keep it in your records and use it to identify your permit.
8. ***I am worried about supplying my Social Security Number.*** Social Security numbers are no longer required on the new application form.
9. ***For Item 11, what type of permit is a vendor permit?*** Both commercial and vending should be selected.
10. ***In Item 12, do I have to provide a location map and the legal description of where I will be vending?*** No, however, you will need to submit a scaled drawing of your on-site vending operation.
11. ***What should I list as the purpose in Item 13?*** Provide a brief description of what you will be doing and/or selling, such as the sale of food, clothing, repairing vehicles, or photography. Additional detail can be provided in the Operations Plan.

The Operations Plan needs to include a scaled sketch or diagram of your vendor site set up. Your sketch should visually describe where you will park your tow vehicle, (motor home, RV, etc.), personal vehicles, the vending operation (tents, racks, equipment displays, etc.), tables, awnings, and trash cans will be located. Include the dimensions of the area you intend to use.

12. ***I can list only one arrival and departure time in Item 14, but I intend to do business on more than one weekend. How do I list those other weekends?*** BLM recommends that the first day you intend to vend should be entered in the Beginning Date space and the Ending Date will be September 30. Presently, vending permits at Sand Mountain are authorized for

the entire season (October 1 to September 30). Authorizing a Special Recreation Permit for the entire season means only one file has to be opened for the season.

13. ***Do I have to fill every item on the form?*** Yes. Information about your business name, address, and permits/licenses from other agencies are required. If an item is not appropriate for your business, enter "N/A" in the space. For example, a vendor who does not sell food would place an "N/A" in the Food Permit information section.

VENDOR VEHICLE SHEET

14. ***What happens if I use a vehicle that is not listed?*** License numbers for vehicles and trailers for each unit must be listed on the Vendor Vehicle Sheet. Also identify which, if any, will be used to prepare or store food (for food vendors), which are for camping purposes and which are for commercial use only, or if they are used for both commercial and camping. Any vehicle not listed has not been reviewed and therefore is not approved to be part of the vendor operations. All of the vehicles listed do not have to be used. Some vendors list alternate or backup vehicle that may be used if there is a break down.
15. ***How do I change or add vehicles to the list?*** Please contact the BLM directly and ask for the SMRA Coordinator prior to using the vehicle at SMRA or submit a letter with the new information.
16. ***Do I need to buy a permit for my vehicle(s) when entering Sand Mountain?*** Yes. In addition to the commercial Special Recreation Permit for vending, you will have to obtain Season Permit (\$90.00) for each primary vehicle you or you employees drive into the SMRA. A primary vehicle is defined as any street legal vehicle used for transportation to the recreation site. **All vehicles must display a permit while at SMRA and comply with all special rules pertaining to holding a Season Permit for Sand Mountain.** Season Permits may be purchased by contacting the BLM at 775-885-6000. You may pay with a credit card or submit \$90 with your application and specify that it is for your Season Permit.

FEEES

17. ***What is the vendor fee?*** A non-refundable Minimum Annual Permit Fee of \$100.00 is assessed annually. In addition to this fee, a commercial use fee equal to 3% of gross receipts for all on-site sales or services is applied. If the 3% fee is greater than the \$100 minimum permit fee, the \$100 minimum permit fee is deducted from the amount owed. Documentation showing how fee calculations were determined must be submitted with the post use report in October. There are no assigned site fees charged for vending at SMRA
18. ***Why does BLM require a permit and charge fees if nothing is being sold or charged?*** The regulations require BLM to charge fees whenever commercial or business activities are occurring on public lands. The regulations apply to any form of business such as handing out advertisement, literature, or fund raising for nonprofit organizations.

19. **Can I pay the fees with a credit card?** Yes. You can pay in person during business hours or call the BLM, ask for the SRMA Area Coordinator and specify that you are going to pay your fees for your vending permit. The Post Use/Gross Receipts Report must still be mailed or faxed to the SWFO by October 15th.
20. **When do I need to send the Gross Receipts Report Form and fees to the BLM?** The Post Use/Gross Receipts Report Form must be sent in **and** received at the BLM before close of business October 15 each year. Those who do not submit their reports on-time are considered to be in violation of the SRP agreement which may invalidate any other permits that have been issued. **There is no grace period.**
- 21.

INSURANCE

22. **Are there situations where BLM may require an insurance policy greater than \$600,000?** Yes. For example, vendors selling ATV parts and installing those parts on site would be considered as High Risk and could be required to have a \$1,000,000/Occurrence and up to \$10,000,000/Annual Aggregate policy.
23. **Can BLM just be listed on my certificate of insurance?** No. The insurance shall name the **U.S. Department of the Interior, Bureau of Land Management** as **additional insured** (not co-insured) and provide for specific coverage for the permittee's contractually assumed obligation to indemnify the United States. Be sure you inform your insurance provider of this stipulation. The policy shall also contain a specific provision or rider to the effect that the policy will not be canceled or its provisions changed or deleted before thirty (30) days written notice by the insurance company to the BLM.

Table 1 provides guidelines and minimums for Per Occurrence and Per Annual Aggregates only. Additional coverage should be required if it is determined that the activity or event is an unusually high risk or for other compelling reason. Contact the SRMA Coordinator to determine what level your activity will fall under.

TABLE 1 – GENERAL GUIDELINES FOR MINIMUM INSURANCE REQUIREMENTS		
SRP Event or Activity	Per Occurrence	Per Annual Aggregate
Low Risk: general non-competitive and non-commercial activities such as, vending food or clothing items, group camping, group activities, or backpacking,	\$300,000	\$600,000
Moderate Risk: whitewater boating, horse endurance rides, OHV events, mountain bike races, rock climbing (with rope ultra-light outings, rodeos.	\$500,000	\$1,000,000
High Risk: bungee jumping, speed record events, unaided rock climbing, helix-skiing, aviation assisted activities, or the rental of equipment, ATV on-site maintenance.	\$1,000,000	\$2,000,000 - \$10,000,000

- 24. Will my automobile insurance satisfy BLM's insurance requirements?** No. An automobile insurance policy only covers your vehicle. It may have an exclusion or restriction if you use the vehicle for business. In addition, it does not cover the products/services you provide. For example, if you are selling food, the automobile policy does not protect you or the BLM for claims of food poisoning.

NON-BLM PERMITS

- 25. If I have a business license in another state, do I need to obtain a Churchill County Business License?** Yes. You are required to have a current Churchill County Business License to operate on BLM managed lands in Churchill County. Business licenses from other counties or states will not be honored. **NOTE:** For all questions regarding non-BLM permits, you should ask the appropriate agency for the definitive answer.
- 26. How many Business Licenses do I need to obtain?** You need to contact Churchill County for specific details that may apply to your operation. In addition, the State of Nevada may also require licensing of your activity.
- 27. Does the health department require me to get a permit?** If you will be providing food or beverage services you will need to contact the Nevada Department of Health and Human Services. Vendors preparing and/or selling food and other consumable goods are required to have a valid county Food Permit. Initial permits may require 3-4 weeks to process.

VENDING OPERATIONS

- 28. How frequently does BLM check vendors for having valid permits?** Specific schedules and frequencies of enforcement action, such as monitoring, is confidential information. Vendors may be contacted any time by BLM staff or law enforcement rangers while on site and required to produce copies of state and county permits in addition to BLM permits and approval form.
- 29. Do I have to be present or can someone look after my vending unit?** Someone identified on your permit must be camping and/or staying in the camping unit every night. Otherwise, the BLM will consider the vending unit as abandoned property or as reserving a space. For example, a "security" person "checking" on your vending operation is not authorized. Additional personnel may be added or removed from your permit by contacting the BLM prior to their start date.
- 30. Will BLM audit my financial records?** BLM or BLM representatives may examine any books, documents, papers or records pertaining to your Special Recreation Permit or transactions relating to it. ***You must make your permit records available upon request for a period of 3 years.***

PRODUCTS/SERVICES

- 31. *How detailed does my list of sales items has to be?*** A list of all the items to be sold or is needed. For example, a food vendor needs to list what is proposed for sale (e.g., chili, hot dogs, ice cream). Another example would be to say “a variety of prepackaged chips will be sold in a variety of sizes.” Ingredients, quantities or the secret recipe for the chili is not required.
- 32. *Do I need to submit copies of all graphics and text that could be used on any vending items?*** Yes. The BLM requires that you submit copies of your graphics or text. BLM prohibits the sale and display of obscene and pornographic material. This policy also applies to the name of your vending operation on public lands.